**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**APPELLATE SIDE**

**CIVIL APPLICATION NO.2907 of 2006.**
**IN**
**FIRST APPEAL NO.1780 OF 2006.**

---

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders.

---

Shri S.R.Mishra for the Applicant.

Shri J.J.Xavier for the Respondents.

**CORAM : ABHAY S.OKA, J.**

**DATED : 1st August, 2006.**

**P.C.:**

1. Rule. The learned Advocate for the Respondents waives service. As the First Appeal is admitted, the suit structure will have to be protected, subject to compliance of certain terms and conditions by the Applicant.

2. Hence the Civil Application is disposed of by passing the following order:

i) There will be interim relief in terms of prayer clause (a) subject to condition of the Applicant filing an undertaking in writing in this Court within a period of four weeks from today stating therein that he will not create

any third party interests in respect of the suit structure, he will not part with possession of the suit structure in favour of any third party and he will not carry out any additions and alternations to the suit structure without the permission of this Court.

ii) If the undertaking is not filed, the interim relief will stand vacated without further reference to the Court.

iii) No order as to costs.

**Judge.**